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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,599	05/22/2000	Adam Thier	11553-008001	1171

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EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/575,599

Applicant(s)

THIER, ADAM

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1-48 have been examined.

#### ***Claim Objections***

2. Claims 39 and 48 are objected to because of the following informalities: The claims seem to be duplicate, using different verbiage. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10, 22, 23, 26, 40, 41, and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the model". There is insufficient antecedent basis for this limitation in the claim.

Claims 22 and 23 recite the limitation "the probability set". There is insufficient antecedent basis for this limitation in the claims.

Claim 26 recites the limitation "the network". There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the input data". There is insufficient antecedent basis for this limitation in the claim.

Claims 41 and 45 recite the limitation "the users". There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-8, 10-13, 15, 16, 25-29, and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (USPN 6,067,525).

As per claim 1, Johnson et al discloses storing business opportunities and associated conditions (lead generation and sales information, see column 4, lines 35-40) in a database (database 116, see Figure 1); receiving input data from a plurality of users (salesperson), wherein the input data indicates a status (status of lead) of at least one of the conditions (sales status and customer buying habits) associated with one of the business opportunities (sales lead); and generating a probability set indicating the probability of successfully achieving the business opportunities as a function of the input data (probability of closing the sale. see column 21, lines 20-23).

As per claims 2 and 3, Johnson et al discloses receiving data from a sales organization via a packet-based network (web site module 304, see Figure 3).

As per claim 5, Johnson et al discloses receiving input data from a web browser accessing a web server (web site module 304, see Figure 3).

As per claim 6, Johnson et al discloses accessing a sales force automation program to extract a list of customers and corresponding contacts (customer information via lead generation component 102, see column 4, lines 20-23).

As per claim 7, Johnson et al discloses the database representing a mathematical model (expert system 2002, see Figure 22), wherein each condition is associated with an object within the model.

As per claim 8, Johnson et al discloses analyzing the mathematical model with a statistical engine (inference engine, see column 33, lines 63-66).

As per claim 10, Johnson et al discloses adaptively adjusting the model in response to the input received from the users (expert system dynamically alters the rules based upon input, see column 33, lines 44-47).

As per claim 11, Johnson et al discloses generating a sales plan as a function of the probability set (customization of sales process, see column 21, lines 18-23).

As per claim 12, Johnson et al discloses generating a revenue report as a function of the probability set (forecasting based upon possible sales leads, see column 21, lines 30-36).

As per claim 13, Johnson et al discloses a subset of the conditions represents activities performed by a sales organization (salesperson support system 100).

Art Unit: 3623

As per claim 15, Johnson et al discloses a sales opportunity having a target customer (lead).

As per claim 16, Johnson et al discloses the conditions including a salesperson.

Claims 25-29, and 31-34 are rejected based upon the rejections of claims 1, 2, 6-8, and 11-14, since they are the computer-readable medium claims corresponding to the method claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (USPN 6,067,525), in view of Arbabi et al (USPN 5,461,699).

As per claim 4, Johnson et al does not disclose receiving input data from a personal digital assistant (PDA). Arbabi et al discloses a neural network used to generate a forecast embodied on a PDA (see column 15, lines 28-32). Both Johnson et al and Arbabi et al are concerned with effective sales forecasting, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a PDA in Johnson et al, as seen in Arbabi et

Art Unit: 3623

al, as an efficient means of entering data into the Johnson et al sales force automation system, thus making the system more flexible.

9. Claims 9, 14, 17-24, 30 and 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (USPN 6,067,525), in view of Lazarus et al (USPN 6,430,539).

As per claims 9 and 18, Johnson et al does not disclose the mathematical model is a Bayesian model, and further wherein generating the probability set includes applying Bayesian statistical analysis to generate the probability set. Lazarus et al discloses the Bayesian model as a preferred algorithm to estimate probabilities (see column 30, lines 56-58). Both Johnson and Lazarus are concerned with the effective analysis of consumer behavior, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include applying Bayesian statistical analysis to generate the probability set in Johnson, as seen in Lazarus, as a further means of calculating probability sets, thus making the Johnson method more robust.

As per claim 14, Johnson et al does not disclose a subset of the conditions characterize a technology infrastructure of a target customer of the business opportunity. Lazarus et al disclose segmenting merchants based upon technology requirements (see column 8, lines 63-65). Both Johnson and Lazarus are concerned with the effective analysis of consumer behavior, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was

made to include a condition being a technology infrastructure of a target customer in Johnson, as seen in Lazarus, thereby defining a specific type of customer the Johnson sales system can focus on, thus making the method more effective.

As per claim 17, Johnson et al discloses storing a mathematical model (expert system 2002) in a database, wherein the model includes a plurality of objects representing business opportunities (sales leads) and associated conditions (sales process); receiving input data from a sales organization indicating a status of at least one condition (sales status and customer buying habits) associated with one of the business opportunities (status of the lead); and calculating a set of probabilities as a function of the input data, wherein the set of probabilities indicate the probability of successfully achieving the business opportunities (probability of closing the sale. see column 21, lines 20-23). Johnson et al does not disclose storing a first set of probabilities received from a user, and calculating a second set of probabilities as a function of the input data and the first set of probabilities, wherein second set of probabilities indicate the probability of successfully achieving the business opportunities. Lazarus et al discloses probability theory, including calculating a second probability as a function of another probability (see column 23, lines 18-35) to calculate the probability of success of a trial. Both Johnson and Lazarus are concerned with the effective analysis of consumer behavior, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include storing a first set of probabilities received from a user, and calculating a second set of probabilities as a function of the input data and the first



set of probabilities in Johnson et al, as seen in Lazarus et al, thereby providing a further method to calculate the probability of success of a sales lead in Johnson et al, thus making the system more flexible and robust.

As per claim 19, Johnson et al discloses adaptively adjusting the first set of probabilities in response to either the input received from the users or the second set of probabilities (expert system dynamically alters the rules based upon input, see column 33, lines 44-47).

As per claim 20, Johnson et al discloses receiving input data from a web browser accessing a web server over the Internet (web site module 304, see Figure 3).

As per claim 21, Johnson et al discloses accessing a sales force automation program to extract a list of customers and corresponding contacts (customer information via lead generation component 102, see column 4, lines 20-23).

As per claim 22, Johnson et al discloses generating a sales plan as a function of the probability set (customization of sales process, see column 21, lines 18-23).

As per claim 23, Johnson et al discloses generating a revenue report as a function of the probability set (forecasting based upon possible sales leads, see column 21, lines 30-36).

As per claim 24, Johnson et al discloses a subset of the conditions represents activities performed by a sales organization (salesperson support system 100).

Claim 30 is rejected based upon the rejection of claim 9, since it is the computer-readable medium claim corresponding to the method claim.

Art Unit: 3623

Claims 35-37 are rejected based upon the rejection of claim 17, since they are the computer-readable medium claims corresponding to the method claim.

Claims 38-48 are rejected based upon the rejection of claims 17-19, 21, and 21-24, since they are the system claims corresponding to the method claims.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Raffel et al (USPN 6169534) discloses displaying information regarding an event via a visual representation of the best prospective opportunities.

-Cragun et al (USPN 5774868) discloses an automated sales promotion selection system using neural networks.

-Raffel et al (USPAP 2002/0082892) discloses a network based sales force automation.

-Abulleil et al (USPAP 2001/0027455) discloses a method of planning, including assessing market attractiveness of an idea.


-Nabe et al (USPAP 2002/0049701) discloses modeling customer data into a multi-dimensional structure.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and After Final communications, and (703) 746-7305 for informal/draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
adb  
March 20, 2003

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3623